

SCHWEGMAN ■ LUNDBERG ■ WOESSNER ■ KLUTH
PATENT, TRADEMARK & COPYRIGHT ATTORNEYS

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Minneapolis, MN 55402

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August 16, 2004

Time: 1:15pm
(Minneapolis, Minn.)TO: Commissioner for Patents
Attn: Ori Nadav
Patent Examining Corps
Facsimile Center
P.O. Box 1450
Alexandria, VA 22313-1450FROM: Robert E. MatesOUR REF: 303.278US1TELEPHONE: 571-272-1660FAX NUMBER 571-273-1660

* Please deliver to Examiner Ori Nadav in Art Unit 2811. *

Document(s) Transmitted: A Communication Concerning Response (1 pg.), An Examiner Interview Summary (2 pages), A copy of previously filed Response (8 pages).Total pages of this transmission, including cover letter: 12 pgs.

If you do NOT receive all of the pages described above, please telephone us at 612-373-6900 or fax us at 612-339-3061.

In re. Patent Application of: Klaus F. Schuegraf et al.Examiner: Ori NadavSerial No.: 08/902,809Group Art Unit: 2811Filed: July 30, 1997Docket No.: 303.278US1Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION DURING POLYCIDIC REOXIDATION

Please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

By: Robert E. MatesName: Robert E. MatesReg. No.: 35,271

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

2-44
Tina M. Kohout8/16/04
Date of Transmission

S/N 08/902809PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus F. Schuegraf et al. Examiner: Ori Nadav
Serial No.: 08/902809 Group Art Unit: 2811
Filed: July 30, 1997 Docket: 303.278US1
Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION DURING
POLYCID REOXIDATION

COMMUNICATION CONCERNING RESPONSE

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attached is a copy of the Response as filed in the above-identified application on February 9, 2004, along with a copy of the PTO-stamped return postcard showing that the Response was received on February 12, 2004 by the USPTO. Applicant requests prompt entry of this Response for consideration by the Examiner.

The Examiner is invited to telephone Applicant's attorney at (612) 373-6973 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account

No. 19-0743.

Respectfully submitted,

KLAUS F. SCHUEGRAF ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6973

Date

16 August 2004

By

Robert E Mates
Reg. No. 35,271

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Tina M. Kobout

8/16/04
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S/N 08/902809PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus F. Schuegraf et al.

Examiner: Ori Nadav

Serial No.: 08/902809

Group Art Unit: 2811

Filed: July 30, 1997

Docket: 303.278US1

Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION
DURING POLYCID REOXIDATIONEXAMINER INTERVIEW SUMMARY

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The applicant thanks Examiner Nadav for the telephone interview granted on Thursday, 27 May 2004, between himself and the applicant's representative Mr. Mates (Reg. No. 35,271). The applicant respectfully submitted that the Office Action dated 8 October 2003 is reopening prosecution under 35 USC §112 of claims 23-25, 29, 30, 38, and 44, subsequent to the Decision on Appeal, and does not have the TC Director's approval as is required by MPEP §1214.04. MPEP §713.04 requires that the applicant set out the principle arguments made during the interview, and these are as follows:

- (1) There was a rejection of claims 26-31, 36-41, and 44 under 35 USC §112, second paragraph before the appeal, in the final Office Action dated 2 February 2000.
- (2) The rejection of claims 26-31, 36-41, and 44 under 35 USC §112, second paragraph was addressed in the appellant's brief filed on 2 August 2000.
- (3) The rejection of claims 26-31, 36-41, and 44 under 35 USC §112, second paragraph was withdrawn in the Examiner's Answer dated 26 September 2000.
- (4) The Board of Patent Appeals and Interferences copied claim 23 in the Decision on Appeal, but did not object to it under 35 USC §112, second paragraph.
- (5) Claims 23-31 and 36-44 were allowed on 14 March 2003.
- (6) The applicant filed an amendment on 16 June 2003 adding claims, but did not amend claims 23-31 and 36-44.
- (7) An Office Action was issued dated 8 October 2003 including a new rejection of claims 23-25, 29, 30, 38, and 44 under 35 USC §112, second paragraph. The Office

Examiner Interview Summary

Serial Number: 08/902809

Filing Date: July 30, 1997

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Action does not have a stamp of approval from TC director.

- (8) The applicant respectfully submits that the Office Action dated 8 October 2003 is reopening prosecution under 35 USC §112 of claims 23-25, 29, 30, 38, and 44, subsequent to the Decision on Appeal, and does not have the TC Director's approval as is required by MPEP §1214.04. The applicant respectfully requests that the TC Director's approval for this rejection be placed on the Office Action, or the rejection be withdrawn.

The Examiner is invited to telephone Applicant's attorney at (612) 373-6973 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

KLAUS F. SCHUEGRAF ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6973

Date 16 August 2004 By [Signature]

Robert E Mates
Reg. No. 35,271

I hereby certify that this paper is being transmitted by facsimile to the U.S. Patent and Trademark Office on the date shown below.

[Signature]
Tina M. Kohout

8/16/04
Date of Transmission

Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re Patent Application of: Klaus F. Schuegraf et al.

Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION
DURING POLYCIDIC REOXIDATION

Serial No.: 08/902809

Filing Date: July 30, 1997

CONTENTS: A Response Under 37 CFR 1.130(a); A Petition for Extension of Time (1 pg.); a check in the amount of \$110,000 cover the Extension of Time Fee; a Return Postcard and TRANSMITTAL SHEET.

Mailed: February 9, 2004
REM/tmk

Docket No.: 303.278US1
Due Date: February 8, 2004 (Sunday)



Receipt is hereby acknowledged for the following in the United States Patent and Trademark Office:

In re Patent Application of: Klaus F. Schuegraf et al.

Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION
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CONTENTS: A Response Under 1.111 (4 Pages); A Petition for Extension of Time (1 pg.); a check in the amount of \$110.00 to cover the Extension of Time Fee; a Return Postcard and TRANSMITTAL SHEET.

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SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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Check Date: 02/09/2004 Check # 51514

Vendor #	Payee Name	USPTO	Check #	Amount
02/09/2004	64292	5202 01	GL	REM 303.278US1 Ext Fee
				\$ 110.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Klaus F. Schuegraf et al.

Title: SELECTIVE SPACER TO PREVENT METAL OXIDE FORMATION DURING POLYCIDIC REOXIDATION

Docket No.: 303.278US1

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Examiner: Ori Nadav

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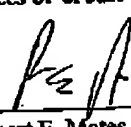
Group Art Unit: 2811

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

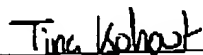
- ☒ A return postcard.
- ☒ A Response Under 1.111 (4 Pages).
- ☒ A Petition for Extension of Time (1 pg.)
- ☒ A check in the amount of \$110.00 to cover the Extension of Time Fee.

If not provided for in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

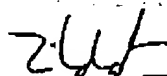
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
Customer Number 21186By: 
Atty: Robert E. Mates
Reg. No. 35,271

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of February, 2004.

Name



Signature

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
(GENERAL)